

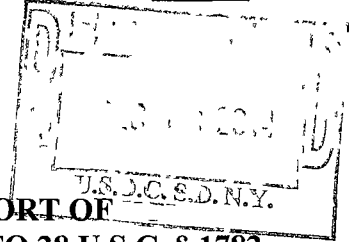
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

IN RE THE APPLICATION OF HORNBEAM
CORPORATION

REQUEST FOR DISCOVERY PURSUANT
TO 28 U.S.C. § 1782

14 MISC 00424

Civil Action No. 14-Misc.



**DECLARATION OF JAMES H. POWER IN SUPPORT OF
EX PARTE APPLICATION FOR DISCOVERY PURSUANT TO 28 U.S.C. § 1782**

I, James H. Power, declare as follows:

1. I am a member of the law firm of Holland & Knight LLP, counsel for Hornbeam Corporation ("**Hornbeam**"), and am duly admitted to practice before the United States District Court for the Southern District of New York. I respectfully submit this declaration in support of Hornbeam's application for discovery pursuant to 28 U.S.C. § 1782 (the "**1782 Application**").

2. I submit this declaration to provide the Court with the declarations of Vadim N. Shulman, dated December 17, 2014 (the "**Shulman Declaration**"), and Michael J. Fay, dated December 18, 2014 (the "**Fay Declaration**"). Both declarations are sworn under penalties of perjury under the laws of the United States of America pursuant to 28 U.S.C. § 1746. The Shulman Declaration is attached hereto as **Exhibit 1**. The Fay Declaration and the exhibits thereto is attached as **Exhibit 2**.

3. I further submit this declaration to provide the Court with a copy of an injunction order from a United Kingdom action between Georgian American Alloys, Inc., CC Metals and Alloys, LLC, Felman Production, LLC, Felman Trading, Inc., Georgian Manganese, LLC,

Vartsikhe 2005, LLC, Optima Industrial Management, LLC, claimants -and- White & Case LLP (England And Wales), White & Case LLP (USA), defendants, Claim No. 2013 Folio 1485, [2014] EWHC 94 (Comm), High Court of Justice Queen's Bench Division, Commercial Court, dated January 31, 2014 (the " **U.K. Decision**"). A copy of the U.K. Decision is attached hereto as **Exhibit 3**.

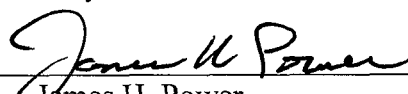
4. To the best of my knowledge, information, and belief, based on my investigation of the facts surrounding this dispute and of the entities and individuals, the following entities from which discovery is sought either reside or are found in the Southern District of New York:

- a. Bank of America N.A.;
- b. Bank of NY Mellon;
- c. BNP Paribas SA;
- d. Citibank N.A.;
- e. Commerzbank AG;
- f. Deutsche Bank AG;
- g. HSBC Bank (USA) NA;
- h. JPMorgan Chase Bank N.A.;
- i. Royal Bank of Scotland PLC;
- j. Standard Chartered Bank;
- k. UBS AG;
- l. Wells Fargo Bank, N.A.;
- m. White & Case LLP;
- n. KPMG LLC; and
- o. PricewaterhouseCoopers LLP

I declare under penalty of perjury that the foregoing is true and correct.

Dated: New York, New York
December 17, 2014

Respectfully Submitted,

By: 
James H. Power